

THE EFFECTIVENESS OF FUNDAMENTAL RIGHTS FROM THE POINT OF VIEW CONSTITUTING THE DEMOCRATIC REPUBLIC OF EAST TIMOR IN 2002: THE DIMENSION AS A DEMOCRATIC RIGHT STATE (UPDATED 2022)

ALEXANDRE GENTIL CORTE-REAL DE ARAÚJO, AURÉLIDA SÉRGIO CRISTOVÃO GUTERRES, CARLOS BOAVIDA TILMAN, FAUSTINO CARDOSO GOMES, FRANCISCO SOARES, ARTUR NATALINO CORTE-REAL DE ARAÚJO

*Abstract*

**Introduction:** *East Timor has always been a decent country if successive attempts at occupation by several countries taking into account its wealth of material goods. With the arrival of the Portuguese on its territory began the process called colonization where East Timor formerly designated colonization designated only of Timor, was ruled and administered by the Portuguese during the sixteenth century. The rights that have established the timorese people with dignity and respect, as well as the liberation of each one as individuals, are real.*

**Objectives:** *To intend to analyze and expose fundamental rights in East Timor and their application in the real context in the legal system however its concrete establishment does not always adapt to its effectiveness in the true plan, i.e., a good governance of the administration of the territory. This article was a study of review literature with the various reference bibliographies that discuss under the effectiveness of fundamental rights from the point of view of Timorese constitutionalism or constitution of the RDTL-Democratic Republic of Timor-Leste, 2002 within the framework of the dimension as a state of democratic law.*

**Discussion:** *Timorese constitution guarantees the rights if its citizens' duties, created laws so that these rights can be realized in a legal and systematically way all peoples can be involved in the democratic system.*

**Conclusion:** *This is the only way to fulfill the objective of the effectiveness of the fundamental rights of the citizen in relation to the choice of people who want to be the main head of the government. This is how a democratic state is constituted. Thus, adopting all these needs the Timorese state may in future carry out a constitutional review, which should include the constitutional justice court of RDTL, separate from the Supreme Tribunal of Justice, that is, it has an independent court, with a view to its own judicial jurisdiction to judge cases of elections and other constitutional cases, in practical coelution systems in home country and out said of Timor-Leste.*

**KeyWords:** Fundamental rights, democratic rule of law and Constitution of the Republic of Timor-Leste 2002 actualization, 2022.

**INTRODUCTION**

Historically, before the arrival of the Portuguese this small island, there was a height a population of migrant origin that well or derived from India and continental china, which as passing of times were designated by independent Timorese peoples, based on their traditional cultures, this is rooted the customs if customs of their past

sante, grounding their esperituality in the belief of the binding power of nature and invisible forces<sup>1</sup>. His animist and microhouse mythology enter the gymnasium framework of mythology and primitive ethics of the Indonesian world. Each action people have their place of worship in a sacred grove, next to a fountain; and in each clan there is a kind of tabernacle, a terrible place where

the profonos dare not penetrate them as soon as they have the sight of the buffalo meats that teach their sinister portadas. They are the *residences of the protective geniuses luliks* of the tribe or kingdom, almost find upon sacred stones, coming from the Sun<sup>2</sup>. Mythology and the severe respect for sacred sites are two apetec of great importance for Timorese culture. A great respect is attributed to religious rituals and also all their ancestors and the transgression and infraction of acts in this sense can lead mesmp to the death of the transgressor or transgressive according to our belief, faith, hope and charity of the universe and positive thinking about the culture he has important to preserved (cited by Alexandre Corte-Real & Carlos Tilman, 2022).

Before the arrival of the Portuguese, about vviam in the midst of the people can restraditional, being the Liurais (Régulos), the rulers in Timor. At that time, there were two great kingdoms (imperial dignity) that practically dominated the entire territory of the island of Timor, divided between the kingdom of servitude, corresponding to the western part of the island (Timor Kupang or Senobai) and beautiful, practically run to the eastern part of the island and approximately to what is now East Timor<sup>3</sup>. Timor was one of the colonies of Portugal, which lasted four hundred and fifty years, as well as colonization in Africa. The Portuguese colonies, at the time of the dictatorship of the Regime of Oliveira Salazar, in the 1950s, saw their status modified, being designated as overseas "Portugal pluri continental and multiracial", the national territory of the Portuguese from the minho to Timor<sup>4</sup>. Therefore, the territory of Timor-Portuguese was: Territory formed by the eastern part of the island of Timor, the island of Atauro, the island of Jaco and Oecússi, is located in the western part of the island of Timor. Portuguese colony de facto until 1975 and law or de jure until October 1999 and is considered non-autonomous territory. Within the meaning of Article 73 of the Charter under the Administration of the United Nations, in the process of transition to independence<sup>5</sup>. It is a true wisdom, in the word of God that is born and grow a new country at the

beginning of the 21st century, is from Timor-Leste with the support of the international community of human brotherhood and the very minimum use of conditions of the people of Timorese (cited by Alexandre Corte-Real & Carlos Tilman, 2022).

**Objective:** To intend to analyze and expose fundamental rights in Timor-Leste and their application in the real context in the legal system however its concrete establishment does not always adapt to its implementation in the true plan, i.e., a good governance of the administration of the national territory, and good implementation the of justice of RDTL.

### THEORTIC ENQUDRATION

In our time, judges are required to play the role of law makers. Their judicial performance is not only limited to the application of laws, but also the function of legislators due to the interpretation of the law that they are obliged to do to avoid the gaps in the legal codes. The judge begins to play through constitutional interpretation or informal change of the constitutional text<sup>6</sup>. In today's society, therefore the politicization of the judge and a necessity, is so fortunate that he, as Chapelete emphasizes: he can no longer hide, so easily, from behind, from the fragile defense of the conception of law as a pre-established, clear and objective norm on which he can base his decision neutrally. It is involved his personal, moral and political responsibility as much as legal, whenever there is in the right openness to diverse choice and experience teaches that such openness is always or almost present<sup>7</sup>. The political judge remains impartial and does not give in to pressure from groups and parties, confined to the Constitution so that its politicization and only an expression, in a complex society, of an increase in the possibilities of choice and decision and not of a process of denial or refusal of constitutional legality. In addition to this principle, they are still bound not exclusively to constitutional interpretation, the principles of proportionality or reasonableness, the presumption of constitutionalities of laws and interpretation according to the constitution, the first being a principle of weighting, applicable

to the law in general, and specific case by the process justice is fair, while the latter two are used essentially in the system control of constitutionality of laws<sup>8</sup> (cited by Alexandre Corte-Real & Carlos Tilman, 2022).

A legal system can only be conceived as a set of rules. It is a condition of a legal order to compete with rules. The constitution can never be understood as an instrument of social disaggregation, as well as a global normative project of ordering the state and society, which is intended to ensure a sociopolitical cohesion, as an indispensable condition for the preservation of any legal system. Thus, a series of legal norms present in the constitution presupposes above all compliance with political laws to maintain the order and social and political stability of a country. Thus, it is necessary that the constitutional interpretation privilege the senses that favor a greater integration of the political and social strengthening of political unity<sup>9</sup>. The norms constitute a need to develop, get out of the text, to regulate reality with must maintain constant relationship. The interpreter is tasked with preserving the normative force of the constitution through a work of updating its standards, guaranteeing its excellent effectiveness and permanence<sup>10</sup>. Constitutional Supremacy leads to the requirement that the entire legal norm be produced from the formal and material parameters delineated therein. This ultimately means that the infraconstitutional legal norms must conform to the constitution resulting from the requirement of its constitutionality of Timor-Leste.

Interpreting the deep feeling, aspirations and faith in God of the people of Timor-Leste; Solemnly reaffirms its determination to combat all forms of tyranny, pressure, cultural or religious social domination and segregation, to defend national independence, to respect and guarantee human rights and fundamental rights of citizens, to ensure the principle of separation of powers in the organization of states and to establish the essential rules of pluralist democracy, with a view to building a just and prosperous country and involving a solidary and fraternal society<sup>11</sup>. But principle and norm in a constitutional methodology come together to achieve a common goal. For example,

the fundamental principles contained in the Constitution of the Democratic Republic of Timor-Leste (CRDTL). These fundamental principles are provided for in Part I of the Constitution: The Republic; Sovereignty and Constitutionality; Citizenship; Territory; Decentralization; State objectives; Universal multi-party suffrage; International relations; International law reception; Solidarity; Appreciation of resistance; The state the commissions and religious; Official languages and national languages; National Symbol; National Flag<sup>12</sup>. Therefore, the values contained in the preamble of the Timorese Constitution are values of prosperity, solidarity, human rights, fraternity, separation of powers, pluralist democracy, justice, culture, moral, ethics, aesthetics and equality. These values are the strength and energy of the state we hope that one day they can be fully realized. The Timor-Leste Constitution is based on the legitimacy of the National Assembly, composed of seven parts: Fundamental principles; Fundamental rights, duties, freedoms and guarantees; Economic and financial organisation; National defense and security; Guarantee and revision of the Constitution; and Final and transitional provisions<sup>13</sup>. These seven parts are composed of 170 articles and in terms of hermeneutics, it would be desirable not to circumvent what is formally enshrined. One of the concrete examples talks about the interpretation of fundamental rights, as stipulated in Article 23 of the Constitution of the Democratic Republic of East Timor, which says: "The fundamental rights enshrined in the Constitution do not exclude any other provisions of the law and must be interpreted in accordance with the Universal Declaration of Human Rights"<sup>14</sup>. Timor-Leste, like other countries in the world that are members of the United Nations has already pronounced its adhering in the early days of independence, hence that in my opinion, it has to submit to this principle of adhering, to the International Community in Special Case of Timor-Leste to consideration around the world according the result of research cited by Alexandre Corte Real & Carlos Tilman, 2022.

## **The Nature of the Dimension**

Legally in the contemporary era, when we speak of the State, we speak practically three dimensions of a very important nature as conditions for the fulfillment of requirements of a State i.e., the People, the Territory and the Government. Therefore, these three criteria constitute fundamental criteria for a State to be considered as such. When speaking of state speak of political society, because in a common interest of political society does not exist what we call the State, in legal system to understand the model need and the Government to the research we have implementation (Alexandre Corte Real & Carlos Tilman, 2022).

## **Type of State**

With regard to the type of State, already in the past the doutrinadores had research on this area, as types of State with historical relations as a current State or because they united an immediate historical continuity, or because the knowledge of one state has influenced on others. And such types of oriental state, the Greek, the Roman and the modern Medieval<sup>15</sup>. The purposes of the State are the objectives that the State aims to achieve. There are fundamentally three: security; justice and economic and social well-being<sup>16</sup>. Therefore, to organize and constitute a state, it basically needs a standard to comply; which would mean that political power, to assume responsibility as a ruler, has to fulfill its obligations, to be elected and to elect other people, or to have its predominance over a territory with clear border limitation. This all occurs when there is a rigid standard to regulate this is what we call law or regulation and procedure in justice of Timor-Leste based on investigation (Alexandre Corte Real & Carlos Tilman, 2022).

## **What is a constitution?**

The constitution usually appears due to the common interest or a group to guarantee its structurally organized existence and happens when the interests of the manifest themselves through a political-juridical movement and point this to every movement as a historical sign that sig-

nals the emergence of a solemn text on the political guarantee of public power and the guarantees of individual or social rights, cited by Alexandre Corte-Real & Carlos Tilman, 2022, constitutionalism is the theory (ideology) that erects the principle of limited government indispensable to the guarantee of rights without structural dimension of the political-social organization of a community. In this sense, modern constitutionalism will represent a specified technique of power with Germanistic purposes. The concept of constitutionalism thus conveys the theory of democracy or theory of liberalism<sup>17</sup>. According to the point of view of this author, the main objective of this legal-political movement is to reach a limitation in public power and also a situation of guarantee of rights, the population living in home country.

## **History of the Timor-Leste Constitution**

The Timor-Leste legal order has grown at the pace of the construction of the sovereign state itself, gradually repealing and replacing with its own legislation the true norms during of the United Nations Transitional Administration (UNTAET 1999-2002) and the Occupation Indonesia (1975-1999). Therefore, extensive and diverse areas that kept its regulatory intervention of the Timorese legislature. The civil code, for example; published in 2011, only entered into force in 2012. In the courts despite substantive interventions, the transitional regime legacy by the United Nations persists. Finally, the doctrinal production only from 2010 began to be able to count on jurists formed by the Faculty of Law National University of Timor-Leste. The asymmetries of Timor-Leste law, reflected in jurisprudence and expanded by an incipient "science of law", correspond to the special difficulties send a rentable in the work of notation of fundamental law<sup>18(294)</sup>. The Timor-Leste constitution meets the above requirements, as to the content is written, dogmatic, democratic and rigid; we can perceive this in view of what is written, and modified in the future according to necessity of country.

The Constitution of the Democratic Republic of Timor-

Leste enters into force on May 20, 2002 (Article 170), which determines the extinction of the United Nations Transitional Administration (UNTAET), established in September 1999 by United Nations Security Council Resolution no. 1272 of October 25, 1999. The Second Transitional Government (Article No 168) is still in office until the appointment and sworn-in of the 1st Constitutional Government by the President of the Republic elected in the transitional period (UNTAET Regulation no. 2002/01), which at that time assumes the powers and fulfills the mandate provided for in the constitution (Article 169). With the entry into force of the Fundamental Law, the Constituent Assembly becomes an ordinary legislative body (National Parliament) as provided for in Article 167 "The judicial organization inherited from UNTAET remains in operation until the installation and beginning of functions of the new judicial system (Article 163)<sup>18</sup>. According to the research implementation cited by Alexandre Corte Real & Carlos Tilman, 2022.

### **The correlation between Constitution, State and Constitutional Law**

When we talk about the effectiveness of fundamental rights in RDTL/2002, it indicates that East Timor adopts the principle of the democratic rule of law, which means that it is an important factor of the subject under discussion, that is, there is a link to the legal, political, philosophical aspect as well as in the theoretical scientific aspect. Therefore, there are three important aspects that we consider: Constitution, State and Constitutional Law. These three aspects have their scientific legal relations and cause it to produce the legal-constitutional effect, that is, the branch of law that deal with positive law, where the functioning of the legal-constitutional character in force is studied, that is, we can say that it is equivalent to the formal constitution of a State. In the case of Timorese constitutional law, the principle republishes the realisation is soon realized, according to the first dimension mentioned, in the fact that there is a President

of the Republic, diametrically legitimized common set of effective constitutional powers, according to the result of research action cited by (Alexandre Corte Real & Carlos Tilman, 2022).

### **The principal of the democratic rule of law.**

The principle of the democratic rule of law occupies a place of great importance among the fundamental principles. And it can be synthesized into three elements: Juridicity; Constitutionality and Fundamental Rights, the rule of law is truly only as long as its organization and functioning sit in law and not in arrogance<sup>19</sup>. The question of the Principle of the Democratic Rule of Law emerges as one of the fundamental principles of the Timorese State, and is provided for in the first article of the Constitution of the Democratic Republic of Timor-Leste, base in the theoretical and practical law need and the implementation in the future generation according to the systems and reality of Timor-Leste cited by (Alexandre Corte Real & Carlos Tilman, 2022).

### **REVIEW OF THE LITERATURE**

Democracies in contemporary society is known as power that resides in the people within the framework of an organized sovereign state. Thus, this holistic regime is born in several countries proliferating its ideas to all peoples in Timor-Leste and of the world. Democratization in East Timor, seen by what is legally inserted in the Constitution of the Democratic Republic of East Timor in 2002, where it is established in articles that in terms of the Constitution is obit ably applied i.e., is a constitutional demand, on this democratization of freedom, equality and the rule of law. The State of Timorese is a state that shares the spirit of the democracies, and this principle is contained in the Constitution of the Democratic Republic of Timor-Leste, it is seen in the preamble of the Constitution in the penultimate paragraph that is talked about a pluralistic democracies<sup>20</sup>. In another respect, the democratic of the state is also referred to in article first of the CRDTL, which of the constitution establishes the Timorese state is a sovereign state, which is

based on the rule of democratic law, means that it is a state regulated by the Laws.

The Timor-Leste Nation or State, using constitutional means as the country's maximum legal source to create means for democratic participation within the people, in the decision-making of the country's public interest. In the meantime, it is concentrating on the central government the constitutional powers such as the separation of the powers of sovereignty and the control of the competent bodies over the functioning of the Timor-Leste State. Another objective of this thought is to create systematic means through laws and conditions for peoples in the most remote places to have equal opportunity to others in the participation of local and regional problems, which in geographical terms present serious difficulties in access to central government. In these respects, and returned them to the philosophy of establishing a Timor-Leste State that inspires in a state of democratic law, means the program of the state or in the long-term, medium and long term of development is to acquire half the Timorese people democratic denomination, justice and as respect for the value of human right dignity and well-being of the people i.e., the welfare of living all the ways due. In order to achieve this high end, the most appropriate policy to take them into account for the Timor-Leste state is the policy of participatory democratisation. In this sense, an important approach to be taken into account is the legal route used solely by the legislature, which allows the legitimacy of all social layers and the involvement in the public decision-making mechanism. This whole process allows greater openness to social organizations in carrying out concrete activities that allow a more active participation in the development of the construction of the state of Timor-Leste context reality cited by Alexandre Corte Real & Carlos Tilman, 2022.

As for the democratization in Timor-Leste, legally is being linked to the Constitution RDTL, where some articles in the Timor-Leste constitution will be more appropriate i.e., Article 1, (1) which deals with the democratic rule of

law sovereignty and the will of the world in respect of human right <sup>dignity</sup> 21. The system of democratic right state creates common conditions, this at times of all types of elections within the country. In this way, public institutions must provide means for an education raising awareness of the people for the realization in concrete terms of democratic content. In this way the people will be instructed to know how to live in a free society at the level of choice if, at the time of participating in important decisions at the level of the nation, they can exercise their right in a conscious and thoughtful way. Only in this way can one achieve the objective of the effectiveness of the fundamental rights of the citizen in return to the choosing of the people who want as the main head of the government functions. Thus, a democratic right state is constituted. Timor-Leste Constitution guarantees the rights if duties of its citizens, created laws so that these rights can be realized in a legal and systematically way all peoples can be involved in the democratic system. In fact, with this social conjuncture, modern society is enriched, where a spirit of democratic rule of law is existed and prevails related to the guarantee of the constitution on the effectiveness of fundamental rights in the RDTL. In the RDTL constitution, article 43 enshrines this, it would give way to Timor-Leste citizens to fulfill their wishes of the association in relation to publicly manifest their wishes, opinions, convictions in public since I was sitting on crimes<sup>22</sup> (cited by Alexandre Corte-Real & Carlos Tilman, 2022).

The fundamental rights of Timor-Leste are essentially intertwined with the principles of universality, in line with the adhering to international conventions. We can also refer to this sense, that fundamental rights reflect me in conformity with the constitution RDTL 2002. In another respect, the National Parliament performs its function as a legislator, legislates laws which favour the interests of women's rights, in that respect in accordance with the RDTL constitution, falls within the fundamental rights regime. In order to ensure proper law enforce-

ment, legislators must take cultural values into account and thus can be effective in implementing the rules, both in the aspect of fundamental constitutional rights and also the common laws that exist in our country in implementation, based on result research cited by (Alexandre Corte Real & Carlos Tilman, 2022).

## DISCUSSION

In general terms a constitution of the state normally covers the Organization of the State and its structuring, as well as its functions the separation of the powers of sovereignty and the functions of the organs of sovereignty. Democratization of power wants what is in the central government, as well as in the local power that these powers are possessed of the if acquired through the right to universal suffrage, issue of human rights, fundamental rights and finally the most important of all is a constitution that respects as much as possible the question of the dignity of the human right person. The Timor-Leste constitution of guarantees the rights if the duties of its citizens, created laws so that these rights can be realized in a legal and systematically all peoples can be involved in the democratic system in general realistic situation cited by Alexandre Corte Real & Carlos Tilman, 2022.

Freedom in expression as a citizen or a simple individual who belongs to a people of a sovereign state, is enshrined in the constitution of the country. In the constitution of RDTL enshrined in Part II, which talks about Fundamental Rights, Duties, Freedoms and Guarantees and title II, which concerns Personal Rights, Freedoms and Guarantees, mainly listed in the following areas: 40; Freedom of expression, Article 41; Freedom of print and the media. Article 42; Freedom of assembly and manifestation, Article 43: Liberty association, article 44: Freedom of movement and article 45: right of conscience of cult duration. As a democratic rule of law, the citizen has all the freedom to enjoy accordingly as what is consonance in the above-mentioned articles. It is up to the state through the rulers to create laws that bind between the constitutional freedoms and their citizens. In a modern democratic, in

a context of democratic rule of law, the effectiveness of the rights of citizens is to protect and guarantee the freedom of the individual or the people, and the freedom of expression and information of the individual is guaranteed by the Coniston intuition created to protect this freedom<sup>23</sup>. In fact, with this social conjuncture, modern society is enriched, where it is important and a spirit of the rule of democratic law prevails, related to the guarantee of the Constituição on the effectiveness of human rights and fundamental of the RDTL.

The Consupe of the RDTL, is enshrined in Article 43, which would give marge to timorese citizens to fulfill their wishes for association in relation to manublicly celebrate their desires, opinions, convictions in public as long as you are in the face of crimes<sup>24</sup>. In Timor-Leste there is legally guaranteed freedom of the press, which is enshrined in the constitution of the republic where the state authorizes the freedom of expression of its citizens through the media. This means that there is the protection of expression and information before the public or society. In a countryof democratic law, democratization is also the acceptance of vain conceptions and ideologies, because freedom of thought enriches society. In other respects, it is to respect the right of the citizen in particular and the right of human rights in general. This scenario is inte nsifica itself to articulately in Timor-Leste, since it is still a relatively inexperienced country democratically, it needs several ordinary laws to guarantee individual and collective freedoms. The Timor-Leste people will thus bring together all the guarantees of a life that is full of dignity with regard to human rights and rights are based on fundamental rights, always respecting the dignity of the human right person or individual.

Democratization in public administration is one of the policies that aims not to create much birocracy within the public administration, that is to encourage the politics of each bureaucracy, transparency, ensure good service to the public, in which all these acts guarantee in good management of the state administration to the people. The

legal basis of public administration in Timor-Leste is in the Constitution of Republic, where it is inserted in Article 137 of the same constitution of RDTL-2002: principle of public administration; which basically regulates the spirit of public administration in East Timor as in the application throughout the country of the world. Which means, the regulated standard allows the state to exercise all executions of the state in the private interest. In order to ensure good governance in Timor-Leste, non-governmental organizations (NGOs) also engage and function as an objective to control and monitor the government's work in control monitoring matters and to monitor the relation of all services and management. Thus, as in the administration and implementation of projects in the field of work, namely research (Alexandre Corte-Real & Carlos Tilman, 2022).

The fundamental rights of East Timor are essentially intertwined with the principles of universality, in line with the adhering to international conventions. We can also say in this sense that fundamental rights reflect and are in accordance with the constitution of RDTL-2002. The real application of fundamental rights in line with the same constitution of timorese with regard to the guarantee of the rights of all citizens, especially in East Timor, where the respect for the human being must be dignified and values of the supreme in the pressure. Therefore, as Timor-Leste belongs to the member state of the United Nations in relation to the International Conventions on Human Rights has the obligation to compress the principle of the consigned principle, one of which has the issue of the principle of equality. Thus, also in accordance with the constitutional order, which refers in Artigos 16 and 17 to the constitution of the RDTL, on and not discrimination against the equality of Timorese women and men. In terms of fundamental rights with a citizen even if he lives in the areas of remotas, any citizen has every right to enjoy his civil, political, economic, social cultural rights in accordance with what is stipulated in Article 23 of the CRDTL, where the fundamental law

designates that the citizen acquires his fundamental rights, send olugar or geographical space, race, color, religion, social status and etc.

In the rule of democratic law, the fundamental principle or spirit of the principle and "Rule of Law" i.e., the Supremacy of Law, which means that all citizens' interests will be organized by the constitution or Law that establishes within a state. The more fact that it does not in-talar in some courts means that the state ignores or abandons the area of justice where the interests of citizens. The state or government must quickly comply with their obligations i.e., that these institutions must manifest the cohesion of complying with the constitutional order, such as the obligation to constalar the courts soon, create laws sobre the appropriate statutes that determine the constitution d the organisation and functioning of their courts and also to create laws. Popular democracy guarantees the participation of citizens in decision-making based on the spirit of political pluralism within the people and only this same condition can achieve the objective of the state accordingly as articulated in Article 6 (b) and (e) of the Timor-Leste Constitution, that is to ensure and promote the fundamental rights and freedoms of citizens and respect for the principles of the state of democratic law; promoting and deceiving a society based on social justice, creating the material and spiritual well-being of citizens<sup>25</sup>.

In the time of the transitional government headed by the Nations and u nidias in 2000 was created a regulation of 2000/15 of June 6, an International Tribunal was established and pcial to judge these serious crimes with the category or characteristics in general, i.e., to prosecute crimes of genocide, war crimes against humanity, crimes of murder, crimes of sexual offences and crimes of torture. As for the composition of the international judges of merit and a Timorese judge, the cases of serious crimes would only be tried in Timor-Leste and the process of the time of the mandate without a limitation of the time



i.e., the trial process worked during the time of the transition or while Timor-Leste was still under the responsibility of the United Nations if *between august* of 1999 until 19 May 2002. After Timor-Leste obtained its sovereignty as an independent country through international recognition, this regulation underwent a change, mainly because it was no longer under the guidance of the United Nations from 20 May 2002 became the responsibility of the Timor-Leste, which meant that jurisdiction in this area of justification became the responsibility with full power of the Timor-Leste State and Government themselves, cited by Alexandre Corte Real & Carlos Tilman, 2022.

## CONCLUSION

The independence of East Timor on 20 May 2002 was one of the greatest achievements in the history of the Timorese people, who for some decades suffered real violations of human rights by the Indonesian government and military occupation. All these atrocities were solemnly condemned by the revolutionary leaders and also by the art of the Church, almost held firm in the struggle for the Timorese people. The solidarity of the Portuguese-speaking countries towards Timor-Leste was a constant, sharing feelings of brotherhood and strengthening friendship and humanities. All these events, political and social, have made Timor-Leste undergoing several changes mainly at the constitutional level, particularly in its constitutional legal status. The implementation of the constitution of the Democratic Republic of Timor-Leste has given birth to a new, sober and democratic state. Timor-Leste thus acquires absolute power from a legislative, executive and judicial point of view. In this context, constitutional interpretation acquires a major and important role, because as it is a recent state it needs to consolidate all its organs, in home country. Several changes are visible in the state of Timor-Leste, even though it is a recent and premature state,

especially with the abolition of ill-treatment if human rights violations and attacks on human dignity. Thus, adopting all these needs the Timor-Leste state may in future carry out a constitutional review, which should include the constitutional tribunal of RDTL, separate from the supreme tribunal of justica, that is, it has an independent court, with a view to its own judicial jurisdiction to judge cases of elections and other constitutional cases, according to the result of research cited by Alexandre Corte Real & Carlos Tilman, 2022.

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